IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.3943 OF 2003

P.V.S. Krishnan ..Petitioner

Vs.

The Army Institute of Technology
and others ..Respondents

Mr.Abhay Pendey Adv. for Petitioner
Mr.S.V. Pitre, Adv. for Respondent no.1
Mr. Girish Kulkarni with Mr. M.G. Kulkarni for Respondent No.2
Mrs. S.S. Bhende, A.G.P. for Respondent no.3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 31ST JANUARY, 2005.

P.C.

. Rule. Heard forthwith.

2. The petitioner by the present petition has sought relief that he be treated as a member of the teaching staff. The petitioner was appointed by the respondent no.1 to the post of Placement and Counselling Officer in terms of the order dated 27th July, 1998. Apart from his salary he was to be given incentives as set out in the said letter. The petitioner has since retired in the year 2003.

3. So far as the claim of the petitioner that his post be treated as a teaching post no material has been placed before us to show that the U.G.C.

has issued any such direction that the post which is being held by the petitioner is to be treated as a teaching post and or for that matter by the Respondent. In these circumstances it will not be possible for us to issue any direction on that count. The petitioner has been paid salary of the post. Considering the finding that petitioner is not entitled to be treated as holder of teaching post prayer clause (a) to (c) which are sought on that basis cannot be granted. Hence, petition to that extent has to be rejected.

4. So far as prayer clause (d) is concerned we find that the petitioner in the matter of his incentive payment had made a representation to the Grievance Committee. The Grievance Committee has decided that representation which is the subject matter of Writ Petition No.268 of 2005 filed by the respondent no.1 herein. Considering the order passed in that petition we also hold that the petitioner herein would be entitled to the amounts as directed to be paid by the Grievance Committee.

5. Petitioner however, contends that he is also entitled to be paid incentive amounts for the year 2002-2003. It is his grievance that since he is now retired he cannot place that grievance before the Grievance Committee. Considering the finding by the

Grievance Committee that the petitioner is entitled to the incentive, Respondent no.1 would be well advised to compute and pay incentives to the petitioner for the year 2002-2003 and intimate the petitioner at any rate within eight weeks from today. On failure to do so it will be open to the petitioner even though he is retired as the right accrued in the course of his appointment to make a grievance of nonpayment of incentive allowance for the year 2002-2003 to the Grievance Committee. It shall consider the same and dispose it of according to law.

6. Rule made partly absolute. There shall be no order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)